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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,389	06/28/2001	Claude Chapel	PF980093	4273
24498	7590	04/06/2006	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/869,389	CHAPEL ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 16-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 16-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Response to Amendment***

1. The amendment filed 03/03/2006 have been entered and made of record. Claims 16-33 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 16-33 have been considered but are moot in view of the new ground(s) of rejection sets forth below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16-18, and 21-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriyama (US Pat. No. 6,067,282).

**Note to the Applicant:** The US PTO considers the Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claims 16, 17, and 18, Moriyama discloses digital video reception device, comprising:

means of reception and of demultiplexing of a multiplexed digital steam (see fig. 18-19); and means of storage comprising two file systems having different recording

block sizes (see fig. 19, audio and video files and col. 18 lines 9-17, video file size is larger than audio file size).

Regarding claim 21, Moriyama discloses the storage means comprise a recordable disk comprising a single boot block, a first area reserved for the service data of the first file system and for the corresponding data

blocks, and a second area reserved for the service data of the second file system and for the corresponding data blocks (see fig. 19 DVD 1 and col. 6 line 61-col. 7 line 19).

Regarding claim 22, Moriyama discloses a first video writing memory for accumulating a predetermined quantity of demultiplexed video packets;

a second audio writing memory for accumulating demultiplexed audio packets; means of storage being adapted to store the remultiplexed audio and video packets in the form of blocks of the first file system, each block comprising a first area for recording the video packets and of fixed size equal to said predetermined quantity, and a second area for recording for audio packets and of fixed size such that it is greater than or equal to the maximum quantity of audio data which can be accumulated while obtaining the predetermined quantity of video data (see fig. 19, and col. 7 lines 51-67 and col. 18 lines 9-17).

Regarding claim 23, Moriyama discloses a third video reading memory for reading video data from the storage means; and

a fourth audio reading memory for the reading of audio data, the respective sizes of the third and fourth memories, video and audio reading respectively, being equal to the sizes of the first and second memories, video and audio writing respectively (see fig. 19).

Regarding claim 24, Moriyama discloses a writing memory for transmitting data to the storage means, which memory is organized as an area comprising N video writing memories of FIFO type and an audio writing area comprising a memory of FIFO type having the size of N audio writing memories (see col. 23 lines 6-16 and col. 23 lines 41-61);

means for controlling the transfer of video data to a first of the N video writing memories and of audio data to the audio writing area, the transfer of video data being continued to a next video writing memory when said first of the N video writing memories is full (see col. 22 lines 19-31); and

means for storing the location, in the area for recording audio data, of the audio data corresponding to each of the N video writing memories (see col. 23 lines 41-60).

Regarding claim 25, see rejection of claim 24, operation of FIFO type memories.

Regarding claim 26, Moriyama discloses a reading memory for receiving data from storage means, which memory is organized as an area comprising N video reading memories of FIFO type and all audio reading area comprising a memory of FIFO type having the size of N audio reading memories (see col. 23 lines 6-16 and col. 23 lines 41-61);

means for controlling the transfer of video data to a first of the N video reading memories and of audio data to the audio reading area, the transfer of video data being continued to a next video reading memory when said first of the N video reading memories is full (see col. 22 lines 19-31); and means for storing the location, in the area for reading audio data, of the audio data corresponding to each of the N video reading memories (see col. 23 lines 41-60).

Regarding claim 27 see the rejection of claim 26 above, FIFO type memory.

Regarding claim 28, the limitation of claim 28 can be found in claims 16-18 and 22 above. Therefore claim 28 is analyzed and rejected for the same reason as discussed in claims 16-18 and 22.

Regarding claim 29, Moriyama discloses the ratio of the sizes of the first and second areas is such that it is greater than or equal to the maximum ratio of the bit rate of video (1a1 and of the bit rate of audio data in the digital stream (see col. 7 lines 51-67 and col. 18 lines 9-17).

Regarding claim 30, Moriyama discloses recording in each block of a (1a1 item indicating the quantity of audio data recorded in this block (see col. 7 lines 51-67).

Regarding claim 31, Moriyama discloses the recorded audio and video data pre elementary stream packets, with the exclusion of information emanating from the transport layer (see fig. 18 and col. 7 lines 51-67).

Claim 32 is rejected for the same reason as discussed in claim 16 above.

Regarding claim 33, a rerecordable disk divided into sectors, data blocks of the first file system having a size of at least 256 sectors, data blocks of the second file system having a size of a few sectors (see col. 8 lines 9-17).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama in view of the admitted prior art.

Regarding claims 19-20, Moriyama discloses the limitations above except adapting the first file system to sequential access of the recorded data and simple indirect accessing, while the second file system to random accessing and multiple indirect accessing. The present application stated the conventional manner of UNIX type file system (see page 28 lines 24-35 of the present Application). The Application discloses the conventional UNIX type favors random access to the data through multiple indirect addressing. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to adopt sequential and random access of the recorded video and audio data in order to search the content of the memory in different order.

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
March 24, 2006



THE PTO EXAMINER